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From: Joe Payne [mailto:jpayne@cascobay.org]

Sent: Thursday, July 03, 2003 4:39 PM

To: Pamela.D.Parker@state.me.us

Subject: Re: cruise ships [mx_ADV?]

Pam, please ignore the email of a few minutes ago. My computer thought closing it for a few minutes while I checked the web for a fact meant it should send it. This is essentially the same but edited after a read through.
Joe

Hi Pam,

I thought that I let you off easy with a comprehensive, three sentence, statement of concerns. I'll answer your question but it's going to be a long answer because the major concern changes with different scenarios. It might be easier to answer, "What changes in currently allowable discharge practices would alleviate your concerns?" (answer below)

You mention in your email, "all the things that might illegally be in [discharges]." I'm assuming that all things that are illegal will remain illegal and that the stakeholder group can't make activities more illegal but could recommend enforcement by the agencies with the authority to do so, both federal and state. So, yes, one of our concerns is any illegal discharge activity by cruise ships and the lack of enforcement.

CONCERNS

Gray water:

1. Exempt from CWA - unregulated discharge
2. Some gray water tested from cruise ships in the Alaska program had higher fecal coliform concentrations than the black water.
3. If regulated it should be site (harbor) specific.
4. Communities in Maine bear the cost of treating their waste; it's inequitable for cruise ships not to have to comply with the same level of treatment.
5. Opponents of regulating this industry propose regulating all vessel gray water the same way whether from one person cleaning their dinner plate on a recreational vessel to the gray water generated by dinner for 4000 passengers and crew on a cruise ship.

Black water:

1. If treated, treatment doesn't compare to the level of treatment at shore side treatment plants. (Isn't the level of treatment closer to 301(h)?). Marine Sanitation Device, Type 2, design and performance standards were set in 1972 and are way out of step with current technology, but are still the required treatment device for cruise ships.
2. There is no requirement for testing the effluent to insure that the MSD is

working properly and that the effluent meets the already lax standards.

3. None of the 22 cruise ships tested in the Alaska program were in compliance with the black water standards.

4. This partially treated sewage can be discharged anywhere in state waters, whether moored or underway, without regard to sensitive habitats, designated uses, cumulative impact, or harvesting areas.

5. Comments 3 & 4 under gray water also apply.

Oily bilge water:

1. There are no regulations requiring testing of the oil water separator to monitor effectiveness.

2. Oil at 15 ppm can legally be pumped into our cruise ship harbors which are already challenged by oil byproducts (PAH) in the sediment.

3. A large cruise ship generates up to 37,000 gallons of oily bilge water per day.

Ballast water:

1. Not regulated under the CWA

2. Public health threat - 14 of 15 vessels sampled in Chesapeake Bay had cholera in the ballast water.

3. Leading source of invasive species in U.S. marine waters.

One solution to consider for all of these problems is to prohibit any of these discharges in state waters. This would require EPA action, No Discharge Zone, and state action. It would have to include stringent record keeping requirements about date, time, location, vessel speed, type and volume of discharge etc. It would also require the cruise line to certify that its vessel logs are accurate. This could strengthen enforcement/prosecution if it becomes necessary. (False Statement Suit) It would, of course, be best if there was city, DEP, or legislative requirement for them to pump their waste ashore for treatment. Also, while there are ambiguities in RCRA, the State should take the lead and require log books for hazardous wastes and ensure that the log books are checked while the ships are in port. (DEP or MOU with the Coast Guard?) This wouldn't be a huge undertaking since Maine's cruise ship visits are typically a small number of ships making multiple visits.

Since the sponsor of LD 1271, Representative Adams, and the Senate Chair of the Natural Resources Committee, Senator Martin, said that they would welcome recommendations from the stakeholder group on any significant environmental concerns having to do with cruise ships, and since the group is supposed to review the language in LD 1158, which is broader than LD 1271, there are additional concerns that should be addressed.

ADDITIONAL CONCERNS

Air quality/stack emissions:

Cruise ships burn high sulphur fuel and have shipboard incinerators that burn

trash and garbage, including plastics. They are a source of significant air pollution. See *Cruise Control*, page 20, for a concise overview. In addition to requiring existing technology to reduce stack emissions other ports have required the use of low sulphur ("road legal") diesel fuel while operating in state waters and hooking up to shore power at the dock, allowing cruise ships to reduce or eliminate stack emissions while in port. Having shore power available will become a competitive advantage for ports. Captain Jeff Monroe, Director of Portland's Transportation and Waterfront Department, assured FOCB that Portland's existing cruise ship pier had in place, "shore power hook-ups and more than enough power available to meet any cruise ships needs." Maine should require the use of low sulphur diesel in state waters and shore power use where available. Cruise ships should be prohibited from using incinerators while in state waters.

Bottom paint:

Tributyltin (TBT), a highly toxic bottom paint, has been commonly used on cruise ships. Alaska has banned vessels painted with TBT from entering state waters. Maine should follow Alaska's common sense lead.

If not already included on the stakeholders list, we request that air quality proponents like representatives from DEP, NRCM, and the American Lung Association of Maine be included. It is vital that someone representing the Coast Guard Marine Safety Office also be present. Cmdr. Wyman Briggs of Portland MSO would be ideal.

Have you and/or Hetty decided not to put the cruise ship related websites we sent you on your web site?

Pam, thank you for your work on this.

Best,

Joe

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